



Document name	Grievance Procedure
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Responsible Team	Human Resources
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1) Purpose

The University of Nottingham (“**University**”) is committed to fostering a workplace environment that aligns to the University values of inclusivity, ambition, openness, fairness, and respect. The University therefore aims to create an environment where staff members feel able to raise workplace complaints with the purpose of seeking resolution and have the confidence that these will be addressed appropriately.

The aims of this procedure are:

- to enable grievances to be considered in a timely, consistent, and fair way at the appropriate level of management;
- to provide guidance to the correct handling of confidential information, in line with the University’s [data protection policy](#) and [staff privacy notice](#);
- to give guidance to managers who have responsibility for the maintenance of good staff relations;
- to highlight to staff members their responsibilities regarding raising problems and the support they will receive;
- to effectively address staff member complaints;
- and to uphold lawful free speech and academic freedom within the grievance process, see section 5.9 for further details.

2) Scope

This procedure applies to all staff at the University of Nottingham (UoN) UK.

For the purposes of this procedure:

- “Staff” encompasses University employees and individuals engaged as workers by the University. It does not apply to complaints from third parties such as contractors, consultants or any self-employed individuals working under contracts for services.

This procedure should be used for complaints raised under the [Dignity at Nottingham Policy](#) in relation to unacceptable behaviours which are bullying, harassment, discrimination and victimisation which relate to another staff member or third party.

This procedure applies to the resolution of both individual grievances and collective grievances from groups, as outlined in section 5.5 of this procedure.

A grievance may be raised under this procedure regarding matters related to a staff member’s employment, including but not limited to:

- Health and safety.
- Work relations.

- Unacceptable behaviours, such as bullying, harassment, discrimination (including direct and indirect) and victimisation, or any practices, policies or working arrangements that may be perceived as placing someone at a disadvantage.
- New working practices.
- Working environment.

This procedure does not apply to grievances concerning:

- Nationally agreed terms and conditions, policies, practices, or agreements.
- Actions or decisions made under an existing policy or procedure with its own resolution process.
 - Matters such as disciplinary, capability, probation, sickness management or redundancy should be addressed through their respective procedures rather than the grievance process.
- However, if the initiation of any such procedure is due to bullying, harassment, discrimination, or victimisation, concerns related to the fairness or handling of that process may be raised under this grievance procedure. Where the grievance and disciplinary or capability cases are related, it may be appropriate to pause the disciplinary or capability until the grievance is concluded. In some cases, the University may decide to run them simultaneously.
- Any matter which seeks to change an agreement reached with a recognised Trade Union, either nationally or locally.
- Actions or decisions taken in relation to the University's Whistleblowing Code.
- Allegations brought under the Research Misconduct Procedure.
- General dissatisfaction with a policy or procedure.

2.1 Status of Grievance Procedure

This procedure is contractual and has been agreed by the recognised trade unions (at present UCU, Unison and Unite) under the Collective Bargaining process as described in the Recognition Agreements and Trade Union and Labour Relations (Consolidation) Act 1992 s178.

3) Roles and Responsibilities

Role	Responsibilities
Staff members	<ul style="list-style-type: none"> • Communicate effectively with their line manager or another appropriate manager, promptly raise any complaints, and collaborate with the relevant manager to find mutually acceptable solutions • Participate in open discussion of issues whether at informal or formal stages • Treat complaints with appropriate confidentiality and in accordance with the University's Data Protection Policy, as detailed in section 5.4

	<ul style="list-style-type: none"> • Engage in attempts at an informal resolution where appropriate, and feasible • Make every reasonable effort to attend scheduled meetings • Listen carefully and objectively to an individual's concerns or complaints and respect their point of view • Address issues promptly and adjust behaviour as needed • Commit to undertaking any necessary training and development • Accept responsibility for and reflect on their own behaviour and its consequences
Line Managers	<ul style="list-style-type: none"> • Make every effort to support staff members in resolving any complaints informally in the first instance • Promote a positive team culture, in which staff members feel able to raise issues which require resolution and which it is recognised that no individual should be the subject of negative or detrimental treatment as a result of having made or responded to a complaint • Offer support to staff members who are raising and responding to complaints • Protect the confidentiality of any staff member involved in any investigation within the confines of the process • Seek advice from Human Resources as required to support the application of this procedure
Human Resources (HR) - Employment Relations Team	<ul style="list-style-type: none"> • Offer impartial support and guidance to staff members and managers on all stages of the procedure • Whilst it is not necessary for a member of Human Resources to attend meetings connected with the informal stage, advice should normally be sought by the manager dealing with the issue • Attend formal and appeal meetings and help to facilitate the process • Provide HR advice to Grievance Managers and Investigating Officers • Provide managers with appropriate training in the application of the Grievance Procedure

Grievance Manager	<ul style="list-style-type: none"> • Assess the best way to resolve the grievance and determine if informal resolution is reasonable and practicable. • Ensure complaints are dealt with in a timely manner and that relevant parties are kept informed • Commission and oversee investigations, ensuring they are undertaken in line with the terms of reference (including timescales) and there is a thorough and impartial examination of the facts • Provide appropriate updates to those involved in/affected by the process • Following an investigation, make decisions as to whether the case is substantiated and what further actions are necessary. • When appropriate identify useful learning from the situation, for the individual(s), their team and the wider organisation • Communicate investigation outcomes to relevant parties • Attend appeal hearings as required
Investigating Officer	<ul style="list-style-type: none"> • Undertake an investigation in line with the terms of reference and in a fair, thorough, and objective manner to get as much relevant information as possible • Establish the essential facts of the matter • Provide the Grievance Manager with updates on the investigation. An update is recommended at least every 2 weeks, provided that the investigation should be completed as soon as reasonably possible • Complete an Investigation Report for the Grievance Manager to review • Attend appeal hearings as required
Trade Union Representative or Workplace Companion	<ul style="list-style-type: none"> • To support their member/the individual as they seek resolution to their complaint or in responding to a complaint. • Representatives or companions may present information on behalf of the staff member, however they may not answer questions on behalf of the staff member
Dignity Advisers	<ul style="list-style-type: none"> • A group of trained volunteers from across the University responsible for providing a listening ear and signposting staff and students who have issues/concerns regarding bullying, harassment, or victimisation
Appeal Manager	<ul style="list-style-type: none"> • Chair and hear the staff member's appeal, which will ordinarily be by way of review. In some cases, the Chair may consider that further investigation is necessary prior to a decision being reached • Decide whether the original decision is upheld and whether recommendations such as workplace mediation are required to help restore working relationships • Identify any wider learning from the process to help prevent similar issues in the future • Provide the final outcome in writing

4) Procedural Steps

4.1 Principles

A key principle of this procedure is that wherever possible and appropriate, complaints are resolved on an informal basis. In addition, there may be occasions where some issues will require an element of compromise, and it must be accepted that it may not always be possible to resolve an issue to the total satisfaction of everyone involved.

Mediation or other alternative dispute resolution options are often an effective way to achieve timely resolution of even the most complex and sensitive of workplace complaints. These options are explained in more detail in section 4.2. It is therefore recommended that mediation or other non-adversarial discussions should be considered and encouraged at each stage, and particularly before formal procedures are commenced.

Subject to the agreement of all parties involved in the grievance, the formal resolution stage may be suspended at any point for mediation, or alternative non-adversarial discussions.

4.2 Informal Resolution

In most situations it is both possible and beneficial for issues to be addressed informally. The informal stage is not part of the formal procedure.

Informal resolution encourages a proactive approach at the earliest stage and focuses on exploring whether the problem can be resolved through discussion and by agreement on ways of avoiding similar issues arising in the future, helping to minimise disruption to relationships.

The University does however recognise that there will be occasions where informal resolution is not possible or appropriate, and formal processes will need to be followed. There may also be occasions where informal resolution is attempted, but is not successful, which would trigger formal processes.

To initiate the informal resolution process, individuals should discuss their concern with their line manager or the individual who is the source of their concern at the earliest opportunity. If the complaint is about the actions or inactions of the immediate line manager, the individual raising the concern could alternatively discuss this with the next level of manager in the management line.

In cases where the concern relates to the practices, policies or working arrangements that may be perceived as placing someone at a disadvantage rather than the behaviour of an individual, it should be raised directly with HR to advise on the appropriate way to manage.

In circumstances where the individual feels it is too difficult for them to make an initial approach to their line manager or the source of their concern, they may seek informal support from a [Dignity Adviser](#) (if the concern is in relation to bullying or harassment including victimisation), [Trade Union representative](#), [Employment Relations Team](#) ("HR"), or an alternate appropriate manager.

The individual raising the concern must consider and be able to explain their desired outcome.

There are various informal methods individuals can utilise to attempt to resolve a concern when it is in relation to another individual. The methods detailed in the below table are examples, other suitable options can be explored and mix methods can be utilised to try to reach a resolution. For guidance on facilitated conversations and mediation, individuals should contact the [HR Business Partnering Team](#) to discuss and arrange these services if appropriate.

Method of resolution	Overview/summary
Personal Resolution	An individual may decide to resolve the concern directly, for example by speaking with the individual who is the source of their concern. Engaging in an informal discussion may help the source of the concern understand the effects of their behaviour and allows them to actively change it.
Facilitated Conversation	A facilitated conversation is a structured and guided discussion led by a neutral party, often a line manager or independent manager, with the goal of resolving differences or conflicts between individuals or groups. The purpose is to create an open and constructive dialogue that allows participants to express their perspectives, understand each other's viewpoints, and work collaboratively toward a resolution.
Mediation	Mediation is a conflict resolution process that involves a neutral trained party, known as a mediator, helping disputing parties to reach a mutually acceptable resolution. Mediation is designed to be a voluntary and collaborative process that empowers individuals to find common ground and resolve conflicts.

If the individual who raised the concern has spoken with their manager, the manager may need to explore the issues further by speaking to other individuals or seeking HR advice before meeting with the individual again. This will normally be carried out within **5 working days** of the initial meeting. If any delays occur, the reasons for it should be promptly communicated.

Although this is an informal stage in the procedure, it is advisable for the relevant manager to confirm in writing (e.g., by email) with the individual(s) the informal action taken. Communications should be sent in a confidential and secure way.

4.3 Formal Resolution

4.3.1 Setting out the grievance

At the formal resolution stage, staff members who make a complaint are referred to as the Reporting Party and, where relevant, staff members who are the subject of a complaint are referred to as the Responding Party.

If informal resolution is unsuccessful, or inappropriate (for example, in the case of complaints relating to discrimination), the Reporting Party may submit a request for formal resolution by

completing a [Grievance Formal Resolution Form](#) or [Collective Grievance Formal Resolution Form](#). Relevant evidence such as documents, emails, or timelines can be submitted with the form. If, for any reason, the Reporting Party cannot complete the form, the grievance can be submitted in an alternative written format. Reporting Parties are encouraged to maintain records of incidents, including dates and times, to support accurate recall of what has happened that they would be prepared to discuss in person.

By submitting the form, the Reporting Party gives permission for the details of their complaint to be shared with the Grievance Manager for the purposes of managing the complaint. All information will be handled securely and confidentially as detailed in section 5.4.

Individuals who require support in submitting a written grievance, such as those with disabilities or because English is not their first language, can contact the [HR](#) or their [Trade Union representative](#) for assistance. Those wishing to discuss their grievance before submitting it may also contact the HR directly.

The Grievance Formal Resolution Form should be submitted to [HR](#) as soon as reasonably possible. This should be done either after an unsuccessful attempt at informal resolution, or if informal resolution is not initially considered appropriate, immediately following the most recent incident that led to the complaint. Prompt action is encouraged to ensure timely resolution.

Once received, HR will:

- Review the grievance to ensure it falls within the scope of the procedure;
- Assign a suitable and independent manager to act as the Grievance Manager, in most cases this will be at least one level higher than the parties involved;
- Ensure relevant individuals or departments are engaged to provide subject matter expertise as needed.

The name of the Grievance Manager will be communicated to the Reporting Party.

4.3.2 Grievance meeting

The Grievance Manager should invite the Reporting Party, usually within **7 working days** of being appointed, to a meeting. The meeting should be held as soon as reasonably possible, depending on all parties' availability. The manager will be accompanied by an HR representative and the Reporting Party has the right to be accompanied by a Trade Union Representative or Workplace Companion as outlined in section 5.2 of this procedure.

The Reporting Party should inform the Grievance Manager as soon as possible if and why they are unable to attend the meeting. The Reporting Party must be provided with sufficient opportunity to re-arrange the meeting if they are unable to attend. If they fail to attend without reasonable cause and explanation, the meeting will be rescheduled. If they fail to attend the rearranged meeting, the meeting will proceed in their absence and as such, a decision will be made based on their written grievance and any associated evidence (if applicable).

Within the meeting the Reporting Party must be provided with the opportunity to explain their grievance and how they think it should be resolved. The manager should explore whether there is scope for an informal resolution and whether focusing on learning from the situation might offer a more constructive and meaningful outcome for everyone involved.

If informal resolution is possible, it is the responsibility of the Grievance Manager to lead and support this process, engaging the assistance of HR. The Reporting Party will be encouraged to pursue informal resolution where the manager feels it to be appropriate, as this is in line with the University's approach, however engaging in mediation or other forms of Alternative Dispute Resolution will always be on a voluntary basis.

At the meeting, the Grievance Manager may:

- **Make a decision on the outcome of the grievance**, typically after a brief adjournment to reflect and consider all the information presented;
- **Adjourn the meeting to allow for further exploration or clarification**, which may include reviewing relevant policies, consulting with relevant parties, or gathering additional context. This does not constitute a formal investigation;
- **Adjourn the meeting to initiate a formal investigation**, where the issues raised require a more detailed and structured approach before an outcome can be reached.

The decision or next steps should be communicated in writing within **7 working days**. If meeting this deadline is not reasonably practical, the Grievance Manager should inform the Reporting Party of the need for an extension. As part of outlining the next steps, the Grievance Manager, where appropriate, should set out any actions intended to resolve the grievance, such as informal resolution, management led action or a formal investigation.

If the grievance involves a Responding Party, the Grievance Manager should assess what information needs to be shared with them at this time, including any relevant steps that could support resolution, such as guidance on modifying their behaviour. When sharing this information, they should be made aware that the Reporting Party has the right to appeal and as a result, outcomes may be subject to change.

If the Grievance Manager considers the matter to be resolved they should outline whether the grievance has been upheld, partially upheld, or not upheld. If the grievance is not upheld, or partially upheld, the Reporting Party will be advised of their right to appeal the decision.

4.3.3 Decision to formally investigate

Where the Grievance Manager determines that an investigation is necessary, they will commission a formal investigation.

The Grievance Manager, with support from HR, will appoint an Investigating Officer and develop a terms of reference (TOR) for the investigation. The TOR will detail the purpose and scope of the investigation and provide a provisional timeframe, as well as naming the Investigating Officer, who will be supported by an HR Representative.

The Investigating Officer must be from outside the direct line management chain, with no previous knowledge of the situation and no direct working or personal relationship with

anyone involved. They must be of a suitable level of seniority for the circumstances of the matter (usually a level above those involved in the complaint being raised).

The TOR will be shared with the Reporting Party, who should be given the opportunity to provide feedback on any areas that may have been overlooked in the investigation's scope.

Where an investigation relates to an individual(s) the Grievance Manager must notify the individual(s) in writing of the investigation, and coordinate with their line manager(s) to ensure they receive support throughout the process. They must also be informed that the investigation could be used as the investigation stage of a disciplinary process, if that is a potential outcome. These individuals will be referred to as the Responding Party within this procedure.

4.3.4 Investigation

The Investigating Officer will investigate by reference to the TOR. This will ordinarily involve taking statements from the Reporting Party, any Responding Party(ies), and where relevant witnesses and reviewing any necessary documentation, policies, and procedures. The Investigating Officer will be supported by an HR Representative.

Interviewee's will be written to inviting them to an investigation interview providing the relevant notice of **5 working days** and detailing their rights to accompaniment. The Investigating Officer should also make the interviewee's line manager aware of their need to attend an investigation interview to enable them to be supported to attend.

Interviewees must not discuss the investigation with colleagues, except when seeking appropriate advice, guidance or support.

Within the interview, the Investigating Officer will ask the interviewee questions with the aim of establishing the facts and finding out what happened. The Responding Party will be given the opportunity to respond to the aspects of the investigation that relate to them.

Non-verbatim notes will be taken during the interview and used to create a statement. The interviewee will have the opportunity to verify its accuracy. If any amendments are required, the interviewee should inform the Investigating Officer and sign off on any changes made to the original document. If changes to the statement are made that the investigator believes contradict the original interview, it may be necessary to note this and include both the original and amended statements in the report.

If further details or examples emerge from the investigation that were not included within the original TOR, the Investigating Officer will need to make the Grievance Manager aware. The Grievance Manager will need to consider whether the TOR is expanded or whether additional concerns need to be addressed separately through informal or formal resolution, where relevant this decision should be made following a discussion with the Reporting Party. If the terms of references are amended these should be reshared with the relevant parties.

There may be circumstances where investigations take longer than anticipated. In such cases, relevant parties should be kept informed of any delays and any changes to the timeline, where appropriate.

4.3.5 Grievance outcome following an investigation

The Investigating Officer will prepare a report summarising the findings of the investigation and share it with both the Grievance Manager and the Reporting Party.

The Grievance Manager will invite the Reporting Party to attend the reconvened Grievance meeting to discuss the findings of the investigation and hear any further comments.

Following this meeting, the Grievance Manager will decide whether the grievance is upheld, partially upheld, or not upheld, and will determine any appropriate next steps. If possible, the grievance manager will communicate their decision verbally in the meeting.

In all cases, the outcome will be confirmed in writing to the Reporting Party within **7 working days**. This outcome will not include details about disciplinary action with regards to any Responding Party(ies).

If the grievance is not upheld, or upheld only in part, the Reporting Party will be advised of their right to appeal the decision.

Where a Responding Party is involved, the Grievance Manager will consider what information relating specifically to the Responding Party can be shared at this stage. This will be limited to details directly relevant to them, such as any steps to support resolution, including behavioural guidance or expectations. The Responding Party will also be informed that the Reporting Party has a right to appeal the outcome communicated to them.

Where applicable, the Grievance Manager will inform the Responding Party of any decision to initiate a disciplinary hearing. Any such hearing will be convened in accordance with the relevant disciplinary procedure.

4.4 Appeal

4.4.1 Purpose of Appeal

The Reporting Party has the right to appeal the formal resolution outcome. The purpose of the appeal hearing is not to re-hear the grievance but to examine the grounds of appeal. The appeal will be heard by an independent manager who is more senior than the Grievance Manager and has had no prior involvement in the case. This individual will be known as the Appeal Manager. The appeal decision will be final.

4.4.2 Submitting an Appeal

The Reporting Party can request an appeal by completing an [Appeal Form](#). If they are unable to do so, they may submit the appeal in another written format. Appeals must be submitted in writing to HR within **10 working days** of receiving the formal resolution outcome letter.

Appeals may be raised on one or more of the following grounds:

- (i) that the decision of the Grievance Manager is flawed because the evidence did not reasonably support the conclusion reached;
- (ii) that new evidence not previously available has come to light since the Investigating Officer's report;
- (iii) that any action proposed was inappropriate in the circumstances of the case;
- (iv) that there has been a failure to follow the procedure which has affected the decision taken by the Grievance Manager;
- (v) that there was evidence of prejudice or bias by the Grievance Manager
- (vi) that the Investigating Officer's report contained significant factual inaccuracies or omissions that may have materially affected the outcome.

The written appeal must clearly outline the grounds for appeal based on the reasons listed above and specify the desired outcome. Appeals that do not align with these stated reasons will be rejected. The Reporting Party may also submit any additional relevant documents not previously provided in the formal process.

If the appeal refers to new evidence not previously available, the Reporting Party should state whether they wish to call witnesses to the hearing in relation to this new evidence, providing the witnesses names and a brief on how their information relates to the appeal.

4.4.3 Arranging an appeal hearing

HR will arrange for an appeal hearing to take place, normally within **3 weeks** of receipt of the appeal or as soon as possible thereafter.

The Reporting Party should inform the Appeal Manager or HR as soon as possible if they are unable to attend the scheduled appeal hearing, providing a reasonable explanation for their non-availability; in this case, a further hearing time will be offered. If the Reporting Party fails to attend the re-scheduled hearing without reasonable cause, the hearing will proceed in their absence and a decision will be made based on their written appeal and any supporting information provided.

The Grievance Manager whose decision is being appealed will be asked to submit their response at least **7 working days** prior to the appeal hearing.

HR will circulate the submitted cases to the Appeal Manager and to both parties at least **5 working days** in advance of the hearing. Additional information may be tabled at the hearing at the discretion of the Appeal Manager.

The Grievance Manager whose decision is being appealed will also be in attendance at the hearing. The Appeal Manager will decide whether any additional individuals, including witnesses named by the Reporting Party or the Grievance Manager, should be invited to attend the hearing (in whole or in part). Witnesses will typically only be required if the appeal is based on new evidence that was not available at the time of the Investigating Officer's report.

4.4.4 Procedure for the appeal hearing

The Appeal Manager who will be supported by a member of HR will introduce the Reporting Party (and companion), the manager and HR and explain the background to the appeal and which issue(s) is/are to be determined.

The Appeal Manager will draw attention to the written documentation and invite the Reporting Party or their companion to present the substance of the appeal. The Reporting Party will be given the opportunity to explain their grounds of appeal and to make representations on any further investigation or action which they request to resolve the grievance to their satisfaction.

Only one witness may appear (when it had been agreed that further may be called), at any one time. Witnesses may make a statement and may be questioned by the Reporting Party and/or companion, by the Appeal Manager and by the Grievance Manager. The witness will withdraw at the conclusion of the questioning.

Once the Reporting Party has presented their case, the Grievance Manager will be invited to present the Management case. Witnesses, whose attendance has been agreed in advance, may be called, and questioned, in the same manner as above. After the Grievance Manager's case has been presented, both the Reporting Party and the Manager will have the opportunity to summarise their positions. The Appeal Manager will then ask the Reporting Party (and companion) and the Grievance Manager to withdraw.

If the Appeal Manager believes that it is appropriate to conduct further investigations to take time to deliberate and/or seek advice, the meeting will be adjourned and reconvened once completed.

The Appeal Manager will decide whether to uphold, overturn, or modify the original decision. The decision will be communicated to the Reporting Party either verbally during the appeal hearing, or in writing, and in all cases, it will be formally confirmed in writing usually within **5 working days** following the appeal hearing. Where this needs to be extended, the Appeal Manager should communicate this to the Reporting and any Responding Parties.

The outcome of the appeal is final and there are no further stages to the grievance procedure.

5) Internal, Statutory or Regulatory Requirements

5.1 Support

The University will ensure individuals involved in a grievance have access to appropriate support throughout all stages of the process.

If any aspect of the procedure causes difficulty due to a disability, the individual or their companion/representative should raise it promptly with the relevant manager who will arrange any necessary reasonable adjustments to be made. These may include extending time limits, providing additional support in meetings or holding meetings off campus. Advice from Occupational Health may be sought, and any information will be treated confidentially.

Individuals are also encouraged to make use of the University support services, such as the [Employee Assistance Programme](#) (24/7 confidential support), [Occupational Health](#) (via manager referral), the [Chaplaincy and Faith Service](#), and [Dignity Advisers](#) for issues related to bullying, harassment and victimisation.

5.2 Right to be accompanied

At all formal stages of the grievance procedure, a staff member or group has the right to be accompanied by a workplace companion, trade union representative or an official employed by a trade union. Their responsibilities are outlined in the section 3.

If the staff member is disabled, it may be appropriate to allow them to be accompanied by an additional support person, such as a carer, alongside their chosen companion.

If the staff member's first language is not English, it may be appropriate to allow them to be accompanied by someone who can assist with communication in English, in addition to their chosen companion.

In cases where the grievance relates to another staff member, the Responding Party will have the opportunity to be accompanied.

5.3 Temporary measures

In most cases, the conditions or working arrangements in place before the grievance was raised, will remain unchanged while the grievance is being addressed under this procedure. However, the University reserves the right to make immediate changes where necessary, including but not limited to the following circumstances:

- **Health, Safety, or Wellbeing Risks:** If continuing the current arrangements poses a risk to the health, safety or welfare of any staff member, student, or member of the public.
- **Legal or Regulatory Compliance:** If maintaining the existing circumstances would result in a breach of legal or regulatory obligations or fail to adequately address such obligations.
- **Financial or Statutory Implications:** If continuing the existing circumstances could lead to financial or statutory penalties for the University, or its staff.

In cases involving bullying, harassment, discrimination, victimisation or other serious concerns, appropriate interim measures will be considered to protect those involved while the grievance is being addressed. Any temporary changes will be implemented in a fair and proportionate manner, with careful consideration to ensure that the Reporting Party is not disadvantaged or subjected to detriment because of raising a concern.

5.4 Confidentiality and information sharing

Staff are reminded that information shared by or with them in connection with this procedure is likely to include confidential information and/or the personal data of others. It is therefore important that any duty to maintain confidentiality and to handle the personal data of others

is in accordance with University [policy](#). In case of doubt, staff should seek appropriate advice, guidance and support from HR.

A deliberate breach of confidentiality or disregard of the University's policy may give rise to disciplinary action. Data breaches must also be reported to the Information and Governance team (see policy and contact details above).

The University will deal with information shared sensitively and in accordance with its responsibilities under data protection legislation. It will be necessary to share information, in confidence and in accordance with data protection rules, with specific University staff for the purposes of managing the complaint and any action necessary as a result of the complaint. On occasion, it may be necessary to share information with external agencies for safeguarding or other legal purposes.

Where the grievance is wholly or partly against another staff member, the Responding Party will need to be provided with sufficient information to understand the nature of the allegations and to respond appropriately.

The University will keep a written record of all complaints made under this procedure, including the investigation report; the decision and actions taken; the reason for the actions; whether an appeal was lodged; the outcome of the appeal and any subsequent developments. Steps will be taken to ensure that any relevant learning is acted upon, whether that is in relation to the individual(s) involved or to wider processes that need to be reviewed in light of the grievance. Records will be treated as confidential and be kept in line with [UoN Records Retention Guide](#) and in accordance with the data protection principles set out in data protection legislation. Data protection legislation also gives individuals the right to request and have access to certain personal data stored about them. More information can be found on the University's Data Protection [webpage](#).

5.5 Collective grievances

For the avoidance of doubt, collective grievances are distinct from collective disputes, which are the subject of negotiation or consultation with a recognised trade union and senior representatives of the University. Collective disputes will be heard under the procedure outlined in the Recognition Agreement.

If more than one person has a concern or complaint about the same Responding Party in respect of the same or substantially the same matter, or a complaint in relation to the same workplace issue, individuals may raise the issue collectively, rather than on an individual basis.

In such cases, the group should nominate a representative to act on their behalf during both the informal and, if necessary, the formal resolution stages of this procedure. The representative may be one of the individuals raising the grievance, or a recognised Trade Union representative. All individuals involved in the collective complaint must agree to this approach.

All other aspects of this procedure will apply as normal. For formal resolution, the representative should complete the [Collective Grievance Formal Resolution Form](#) and will attend the Grievance Meeting on behalf of the group. They will be responsible for preparing

and presenting the grievance and explaining how the group wishes for the grievance to be resolved.

All individuals involved in the collective grievance will be informed of the outcome, including whether the grievance has been upheld, partially upheld, or not upheld.

Following the formal resolution outcome, individuals have the right to appeal in line with the appeal process outlined in section 4.4 of this procedure. If some individuals choose not to appeal, the appeal request must clearly state who is withdrawing and who wishes to proceed. Where an appeal is raised, there will be one appeal meeting with the representative and one appeal outcome for the group.

5.6 Third party complaints

As detailed within the University's Dignity at Nottingham Policy the University takes complaints about third party harassment seriously and this behaviour will not be tolerated.

When the University is made aware of a complaint, the Reporting Party will be supported in line with this procedure and ensure the situation is remedied or prevented from happening again.

Where a complaint against a third party is upheld, the University will consider appropriate action to be taken with the individual/organisation. Examples of this action could be warning an individual about their behaviour, banning an individual (as appropriate), reporting any criminal acts to the police, speaking to an individual's organisation, or sharing information with other areas of the University for example, where engagement has been ceased.

5.7 Anonymous complaints

Individuals raising a complaint are encouraged to identify themselves. Typically, information from reports made anonymously will only be used to monitor the levels of incidents across the campus. However, depending on the seriousness of the issue, the credibility of the issue, and importantly, any evidence available in an anonymous report and the likelihood of being able to investigate the matter, the University may investigate an anonymous report and confirm the information from alternative sources.

5.8 Balance of probability

Decisions and findings made under this procedure will be on the basis of a balance of probabilities, i.e. that a relevant act or omission is more likely to have occurred than not. This differs from the burden of proof applicable in criminal proceedings, which requires findings to be beyond reasonable doubt.

5.9 Free Speech

The University is committed to protecting free speech within the law and academic freedom so that we can achieve our mission of advancing truth, knowledge and understanding and students and staff can become acquainted with new information, ideas and diverse viewpoints. The University provides an inclusive and supportive environment that encourages civil and peaceful debate, one in which students and staff can challenge their own and others' beliefs and opinions and scrutinise these on their merits. This commitment

reflects the University's core values of inclusivity, ambition, openness, fairness, and respect and it is consistent with the principles enshrined in [Statute 9](#), whereby *"Staff, while engaged in provision of teaching and research in accordance with their terms and conditions of service, shall have freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges."*

As set out in the [Free Speech and Academic Freedom statement](#), it must be recognised that a commitment to promote freedom of speech and academic freedom does not require tolerance of abuse, threats, incitement to violence, hatred, discrimination, or other unlawful acts. All staff and students should familiarise themselves with the University's Free Speech and Academic Freedom statement to ensure that they understand our commitment to promoting free speech within the law and their role and responsibilities in supporting this.

5.10 Relationship with other policies and procedures

At any stage of this Grievance Procedure, the relevant manager dealing with the grievance at that stage and having taken advice from HR, in their discretion, may refer the grievance for consideration under another more appropriate procedure.

Where grievance and disciplinary cases are related, it may be appropriate to address them simultaneously or to temporarily pause one process until the other is concluded.

Allegations raised regarding bullying, harassment, discrimination and victimisation or breaches of disciplinary rules will be taken seriously. Where evidence is found that behaviours of potentially discriminatory or other wrongful conduct have occurred this may lead to disciplinary action under the relevant disciplinary procedure. An investigation undertaken as part of a grievance can be used as the investigation stage of a disciplinary process if that is a relevant outcome of the investigation.

5.11 Withdrawing a complaint or appeal

If, at any time, the Reporting Party wishes to withdraw their formal complaint, they must make their intentions known. The University reserves the right to investigate the original complaint if it is considered to be in the best interests of the University and the individuals concerned, even if the Reporting Party withdraws it.

If the Appeal is withdrawn, written confirmation will be sent to the Reporting Party, and any Responding Party.

5.12 Complaints involving former staff members

Current staff are eligible to bring complaints under this procedure. Where a former staff member is cited as the Responding Party, or a complaint is submitted by a Reporting Party after they have left, the progression or otherwise of the complaint will be at the discretion of the University. The complaint will be reviewed, and a decision will be taken and communicated, where possible.

If a Reporting Party submits a complaint before leaving but the process has not been completed, the University will aim to conclude the process, provided it is reasonable and

practical to do so. If the Reporting Party leaves the University during this process after submitting a formal grievance, they will retain the right to appeal the outcome.

5.13 Training

The University recognises the importance of providing training to individuals involved in supporting this procedure. Investigating Officers and Grievance Managers will be required to undertake role-specific training to ensure they can deliver their responsibilities.

6) Associated Documents, Appendices and Resources

Associated Guidance

- Grievance meeting checklist for [Grievance Manager](#) and [Reporting Party](#)
- [Guidance for Grievance Managers](#)
- [Guidance for Investigating Officers](#)
- [Guidance for witnesses](#)

Associated Procedures

- [Disciplinary Procedures](#)
- [Whistleblowing \(Public Interest Disclosure\) Code](#)

Associated Policies

- [Dignity at Nottingham Policy](#)
- [Free Speech and Academic Freedom Statement](#)

Process Flowchart

Step	Route	Process
1	Informal resolution process	Individual raising the complaint should discuss with their line manager, or the individual who is the source of complaint, at the earliest opportunity. If the complaint is about the actions or inactions of the immediate line manager, the individual could alternatively discuss this with the next level of manager in the management line.
1a	Informal resolution process pursued	Individual raising the complaint should explore the most appropriate informal method or utilise a mixed method approach in an attempt to resolve the complaint and to seek support as required.
1b	Conclusion of informal resolution process	Relevant manager to confirm in writing (e.g., by email) with the individual(s) the informal action taken.
1c	Informal resolution process	Proceed to Formal Resolution process.

	unsuccessful, or inappropriate	
2	Formal Resolution process	<p>Reporting Party(s) should submit the Grievance Formal Resolution Form or Collective Grievance Formal Resolution Form to HR.</p> <p>The form should be submitted as soon as reasonably possible following either an unsuccessful attempt at informal resolution, or where informal resolution is not initially considered appropriate, the most recent event giving rise to the complaint.</p> <p>HR will review the grievance to ensure it falls within the scope of the procedure and will allocate a suitable independent manager (in most cases, at least one level higher than all parties involved) – who will be known as the Grievance Manager. The name of the Grievance Manager will be communicated to the Reporting Party.</p>
2a	Formal Resolution process – Grievance meeting	<p>Grievance Manager should invite the Reporting Party usually within 7 working days of being appointed, to a meeting.</p> <p>The Reporting Party will be provided with the opportunity to explain their grievance and how they think it should be resolved. The Grievance Manager will explore whether there is scope for an informal resolution to be attempted and whether focusing on learning from the situation might offer a constructive and meaningful outcome for everyone involved.</p> <p>At the meeting, the Grievance Manager may:</p> <ul style="list-style-type: none"> • Make a decision on the outcome • Adjourn the meeting to allow for further exploration (not under formal investigation) • Adjourn the meeting to initiate a formal investigation <p>The decision or next steps should be communicated in writing within 7 working days.</p>
2b	Formal Resolution process – Decision to investigate	<p>Where Grievance Manager determines an investigation is necessary, they will commission a formal investigation. The Grievance Manager, with support from HR, will appoint an Investigating Officer and develop a terms of reference (TOR), detailing the purpose and scope of the investigation and a provisional timeframe.</p>

2c	Formal Resolution process - Investigation	The Investigating Officer will investigate by reference to the TOR and take statements from relevant parties including witnesses and reviewing any necessary documentation.
2d	Formal Resolution process – Grievance outcome following investigation	<p>Investigating Officer will prepare a report summarising the investigation findings and shares it with the Grievance Manager and the Reporting Party.</p> <p>The Grievance Manager invites the Reporting Party to a reconvened Grievance meeting to discuss the findings and hear any further comments.</p> <p>After the meeting, the Grievance Manager decides whether the grievance is upheld, partially upheld, or not upheld, and identifies any next steps. Where possible, the decision is shared verbally in the meeting.</p> <p>The outcome is confirmed in writing to the Reporting Party within 7 working days. This will not include details about disciplinary action with regards to any Responding Party(ies).</p>
3	Appeal	<p>The Reporting Party has the right to appeal the formal resolution outcome by completing an Appeal Form. This should be submitted in writing to HR within 10 working days of receiving the formal resolution outcome letter.</p> <p>HR will arrange for an appeal hearing to take place, normally within 3 weeks of receipt of the appeal or as soon as possible thereafter.</p> <p>The appeal will be heard by an independent manager who is more senior than the Grievance Manager and has no prior involvement in the case. They will be known as the Appeal Manager.</p> <p>The Appeal Manager will decide whether to uphold, overturn or modify the original decision.</p>
3a	Appeal outcome	<p>The decision will be communicated to the Reporting Party either verbally during the appeal hearing, or in writing. In all cases, it will be formally confirmed in writing usually within 5 working days following the appeal hearing.</p> <p>The outcome of the appeal is final and there are no further stages to the grievance procedure.</p>